O. Firewood and Charcoal Trade

1946

File No. 46

Legal Department

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Subject:— Opinions under the Bombay Firewood Trade and Charcoal Trade Licensing Order 1944

O Firewood and Charcoal Trade

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C O N T E N T S.

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Office of the R.L.A.

In his letter No. P.C.W.VII-938 dated 22nd June 1946 the District Magistrate, Thana observes:-

"While cancelling the importers' licences granted to producers, it has been noticed that many producers in this District hold importers' licences either in charcoal or firewood for importing charcoal or firewood from Jawhar State or Portuguese Territories where they produce charcoal or firewood and if their importers' licences are cancelled in obedience to orders quoted above they would be put to a great loss and their stock of charcoal or firewood would lie idle.

I, therefore, request you to move Government to modify the Bombay Charcoal and Firewood Trade Licensing Order, 1944, so as to allow the producers to hold importers' licences along with their producers' licences to enable them to import charcoal or firewood from foreign territories as a special case so far as the District is concerned."

The Additional Director of Civil Supplies (Charcoal and Firewood) remarks:-

"It would perhaps be best to exempt them from taking out importers' licences and to allow them to bring such charcoal on the producers' licences issued for production in British Zone".

The R.L.A. is requested to advise whether there is any legal objection to adopting the course proposed by the Director of Civil Supplies (Charcoal and Firewood).

It is true that under section 20 of the Bombay Firewood Trade Licensing Order, 1944 and section 15 of the Bombay Charcoal Trade Licensing Order, 1944 the Provincial Government may by special or general order exempt any person or class of persons from all or any of the provisions of those Orders; but to exempt the producers in Thana District from taking out importers' licences so that they might bring charcoal and firewood Jawhar State or Portuguese Territories on the producers' licences issued for production in British Zone would in effect mean no check

either on the imported quantity of the material or its disposal, for the restrictions imposed under a producer's licence relate to the production and disposal of charcoal or firewood at the place of its production. The suggestion made by the Additional Director of Civil Supplies would not therefore be legally feasible.

There is however, it appears, no legal objection to allowing a producer to hold an importer's licence also provided he is willing to account separately for the stocks held by him as producer and importer and abide by the conditions of both the licences.

Sd/- P.N.M. 13/8/46

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 5659, dated the 15th August 1946.

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Office of the R.L.A.

Though the point is not quite free from doubt, in cases where it is considered necessary that producer should also be allowed to be a wholesaler, such producer may be granted a wholesaler's licence provided he undertakes to account separately for the stocks held by him as producer and wholesaler and to abide by the conditions of both lic

Now that practical expediency necessitates the grant of a retailer's or wholesaler's licence to a producer or importer and vice versa, it would be advisable, for the purpose of removing all doubts, to delete the words "other than an importer or producer" from the definition of "retail-er" and "wholesaler" in clause 2 of the Bombay Firewood Trade Licensing Order 1944.

Sd/- P.N.M. 13/11/46.

Remembrancer of Legal Affairs.

U.R. to C.S.D. No.8031, d/- 14th Nov. 46.

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